

THE 10. 296.
CONCLUSION
OF THE EARLE OF
STRAFFORDS
DEFENCE.

The Twelfth of Aprill, 1641.



Printed in the Yeere, 1641.

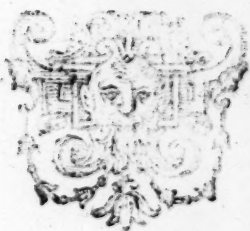
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THE

CONCLUSION
OF THE EARL OF
STRAFFORDS
DEFENCE

A Defence of a Bill, 1671

JUN 28 1923



Printed in the Year 1671

THE
CONCLVSION
of the Earle of *Straffords*
defence, the twelfth of
Aprill 1643.

MY Lords, there yet remaines
another Treason, that I should
be guiltie of, the endeavouring
to subvert the fundamentall Lawes
of the Land, that they should now
be Treason, together, that is not
Treason in any one part of Treason
accumulative, that so when all will
not doe, it is woven up with others,
it should seeme very strange.

Under favour my Lords, I doe
not conceive that there is either Sta-
tute, Law, nor Common-Law, that
doth

doth declare the endeavouring to sub-
vert the fundamentall Lawes to be
high Treason.

For neither Statute, Law, nor
Common Law written, hath ever
could heare of, declareth it so.

And yet I have beene diligent to
enquire, (as I beleeve you thinke it
doth concerne me to doe.)

It is hard to be questioned for
life and honour, upon a Law that can-
not be shewne.

There is a rule which I have lear-
ned from Sir Edward Cooke, *De non ap-
parentibus & non existentibus eadem ratio*,
(Iesu) where hath this Fryer laine
all this while, so many hundred of
yeares without any smoake to disco-
ver it, till it thus burst forth to con-
sume me, and my children, extreme
hard in my opinion, that punish-
ment should preceed promulgation,
of

(3)

of a Law punished by a Law subsequent
to the Actes done.

Take it into your considerations,
for certainly it is now better to be under
no Law at all but the will of men,
then to conforme our selves under the
protection of a Law as we thinke, and
then be punished for a crime that doth
preceed that Law, what man can bee
safe if that be once admitted.

My Lords, it is hard in another
respect, that there should be no token
set upon this offence, by which
we should know it, no admonition by
which we should be aware of it.

If a man passe downe the Thames
in a boat, and it be split upon an anchor
and a Boye, being set as a token
that there is an anchor there, that par-
ry that owes the anchor, by the Mari-
time Lawes, shall give satisfaction for
the damage done, but if it were marked
out, I must come upon my own perill.

Now

(4)
Now where is the marke upon this
crime, where is the token that this is
high Treason?

If it be under water and not above
water, no humane providence can availe
nor prevent my destruction.

Lay aside all humane wisdom, and
let us rest upon divine Revelation, if you
will condemne, before you forwarne of
the danger.

Oh my Lords, may your Lordships
be pleased to give that regard unto the
Peerage of *England*, as never to suffer
our selves to bee put on those nice
points upon such constructive inter-
pretations, and these are where Lawes
are not cleare or knowne, if there must
be a Tryall of wits, I doe most hum-
bly beseech you, the subject and matter
may be to some what else, then the lives
and Honours of Peeres.

My Lords, wee find that in the pri-
marie times, in the progression of
the pharisee Doctrine of the Apostles,
they brought the Bookes of curious
Arts, and burned them. And so like-

wife

wife

(5)

wife as I doe conceive, it will be wife-
dome and providence in your Lord-
shippes, for your posterity, and the
whole Kingdome, to cast from you
into the fire these bloudy and most
mysterious Volumes, of constructive
and Arbitrary Treason, and to betake
your selves to the plaine Letter of the
Law and Statute, that telleth us where
the cryme is, And by telling what is,
and what is not, shewes us how to a-
void it. And let us not be ambitio-
ous, to be more wise and learned in
the killing Arts, then our forefathers
were.

It is now full two hundred and for-
tie yeares, since ever any man was
touched for this alleaged cryme (to
this height) before my selfe, we have li-
ved happily to our selves at home, and
we have lived gloriously to the world
abroad.

Let us rest contented with that
which our fathers left us, and not a-
waken those sleepe Lyons to our own
destructions; by raking up a few mu-
stie

B

stie

like needrils that have layen so many
ages by the walls, quite forgotten and
neglected.

May your Lordships be Nobly plea-
sed, to adde this to those other misfor-
tunes befallen me for my sins, and for my
Treasons; that a provident should not be
derived from me of that disadvantage (as
this will be in the consequent to the whole
Kingdome) I beseech you seriously to
consider on, and let not my particular
case bee so looked on as you thinke;
though you wound me in my interest
in the Common-wealth, and therefore
those Gentlemen say, that they speak
for the Common-wealth; yet in this
particular I indeed speake for it, & the
inconveniencies and mischiefs that
will heavily fall upon us; for as it is
in the first of *Henry* the fourth, no
man will after know what to doe, or
say, for feare.

Do not put (my Lords) so great
difficulties upon the Ministers of state;
that men of wisdom, honour, and
verne, may not with chearefullnesse and
safety,

(7)

Early, be employed for the publique
 my owne weight & measure their dignities
 and scruples, the publique affairs of the
 Kingdome will be layd waste, & no man
 will meddle with them, that hath ho-
 nours, issues, or any fortunes to lose.

My Lords, I have now troubled
 you, longer then I should have done,
 were it not for the interest of those
 deare pledges, a Saint in heaven hath
 left me; I should be loath my Lords,
 (there he stopped.)

What I forfeit for my selfe, it is no-
 thing, but that my indiscretion should
 forfeit for my child, it even woundeth
 me deepe to the very soule.

You will pardon my infirmity, some-
 thing I should have said, but I am not
 able, (and sighed) therefore let it
 passe.

And now my Lords, I have beene
 by the blessings of Almighty God
 taught, that the afflictions of this life
 present, are not to be compared to the
 eternall weight of glory that shall be
 revealed to us hereafter.

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And

And so my Lords, even so with
tranquillity of mind, I doe submit my
selfe freely and clearely to your Lord-
ships judgements; and whether that
righteous judgement shalbe to life or
death.

*Te Deum Laudamus, te Dominum,
Confitemur.*

FINIS.

C. J. M.

6/22/23

